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COMMISSION ON HUMAN RIGHTS

Fifty-eighth session

SUMMARY RECORD OF THE 47th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 19 April 2002, at 10 a.m.

Chairperson: Mr. JAKUBOWSKI (Poland)

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The meeting was called to order at 10.10 a.m.

ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS (agenda item 19) (E/CN.4/2002/116)

1. Ms. TAKLA (Chairperson, Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights), introducing the report of the Secretary-General (E/CN.4/2002/116), said that technical cooperation projects were carried out at the request of the Government concerned with the broadest possible participation of all elements of society with a view to strengthening human rights protection. She gave the examples of a project in Mexico on training in United Nations guidelines for medical and forensic examination of torture and other physical abuse; a major project developing human rights education capacity in Russia and a carefully targeted technical cooperation project in support of the peace process in the Solomon Islands.

2. Within the framework of the United Nations Decade for Human Rights Education, a database had been developed by the Office of the High Commissioner for Human Rights (OHCHR) and a human rights education component had been included in regional technical cooperation activities. The Assisting Communities Together (ACT) Project, undertaken in cooperation with the United Nations Development Programme (UNDP) provided grants to organizations and individuals involved in human rights promotion activities.

3. Turning to the area of management and administration, she said that, since the establishment of the Project Review Committee in 1998, the Board of Trustees had been able to devote more time to other parts of its mandate, including advice on the long-term planning of the technical cooperation programme. Planning and reporting had been strengthened and the third Annual Appeal had been launched in November 2001.

4. The drastic events occurring in the world made the reinforcement of the human rights infrastructure even more essential. Technical cooperation was an excellent preventive instrument and contributed to the High Commissioner's goal of promoting respect for all human rights for all. The international community should make all the necessary human and financial resources available to OHCHR.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 9) (continued) (E/CN.4/2002/L.15, L.20, L.22/Rev.1, L.23, L.24, L.25/Rev. 1, L.26 and L.88)

Draft resolution on the human rights situation of Lebanese detainees in Israel (E/CN.4/20002/L.15)

5. Mr. ATTAR (Saudi Arabia), introducing the draft resolution on behalf of its sponsors, said that it called on the Government of Israel to comply with the Geneva Conventions of 12 August 1949, release the Lebanese citizens detained in Israel, allow visits by the

International Committee of the Red Cross (ICRC) to those detainees and provide to the United Nations Interim Force in Lebanon (UNIFIL) accurate maps of the minefields laid in Lebanese territory.

6. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Pakistan and Togo had become sponsors of the draft resolution, which had no programme budget implications.

7. Mr. NASR (Observer for Lebanon) said it was important that the Commission should remind States guilty of human rights violations of their duty to comply with the wishes of the international community. The draft resolution called on Israel to release Lebanese citizens transferred to and detained in Israel after the 20-year Israeli occupation of Lebanese territory. They were not allowed visits by humanitarian organizations and were being held without trial or else they were not released at the end of their sentences. They were also subjected to torture, certain forms of which were admissible under Israeli law. He believed Israel was holding those detainees to be used as bargaining chips in the future.

8. Although Israel had withdrawn from Lebanese territory in May 2000, it had withdrawn only to the United Nations blue line, not to internationally recognized boundaries. Hundreds of thousands of landmines had been laid in Lebanese territory, causing suffering and hardship to the civilian population. Israel had provided only incomplete maps of the minefields to the Lebanese authorities and the international forces assisting in mine clearance. The draft resolution called on Israel to provide accurate maps of all mined areas, in accordance with Security Council resolution 1391 (2002) (para. 11). Given the humanitarian concerns underlying the draft resolution, he hoped that it would be adopted, by consensus.

9. Mr. LEVY (Observer for Israel) said that Israel had withdrawn its forces from Lebanon unilaterally in May 2000 because it had been unable to reach an agreement on the matter with the Government of Lebanon. Israel had no incentive to comply with Security Council resolutions if the other parties concerned did not meet their obligations. With regard to the issue of landmines, Israel had handed over to UNIFIL maps of the landmines laid in southern Lebanon, confirmation of which had been signed by a senior officer of UNIFIL and circulated in an official document at the previous session of the Commission. The Lebanese Government had failed in its responsibility to maintain those minefields and could not therefore ask the Commission to condemn Israel.

10. The Lebanese Government had likewise never fulfilled its responsibility to exert its authority over and maintain security in southern Lebanon. It continued to allow terrorist groups such as Hezbollah to operate freely and to attack Israel on an almost daily basis. Any elements of the draft resolution concerning Israeli actions must be put in a proper context: response to attacks in the face of the Lebanese Government's failure to meet its responsibilities.

11. As for detainees, he said the only detainees were in fact three Israeli soldiers and one civilian kidnapped by Hezbollah in October 2000. The three soldiers were believed to have died of wounds sustained during their kidnapping and their bodies were being held by Hezbollah; the civilian was still being held in Lebanon.

12. Those facts, many of them confirmed by organs and officials of the United Nations, were ignored by the draft resolution. A vote for it would further distort reality and make no contribution to peace in the region.

13. Mr. ARENALES FORNO (Guatemala), speaking in explanation of vote before the voting, said that Israel had withdrawn from southern Lebanon in May 2000 but the Government of Lebanon had not recognized the right of Israel to exist within internationally recognized and safe borders, in accordance with Security Council resolutions 242 (1967) and 338 (1973). Neither had the Government of Lebanon prevented terrorist organizations from attacking Israel from its territory.

14. Under normal circumstances, his Government would have been concerned about the situation of Lebanese prisoners held by Israel, but it believed that to demand that those prisoners be allowed to return to Lebanon, from which they could once again attack Israel, would violate Israel's legitimate right to self-defence. For those reasons, and considering that, in any case, such issues should be dealt with within the framework of a comprehensive peace settlement in the Middle East, his delegation would vote against the draft resolution.

15. At the request of the representatives of Canada and Guatemala, a recorded vote was taken on the draft resolution.

In favour:	Algeria, Argentina, Armenia, Bahrain, Brazil, Burundi, Chile, China, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.
Against:	Guatemala, Peru.
Abstaining:	Austria, Belgium, Cameroon, Canada, Costa Rica, Croatia, Czech Republic, France, Germany, Italy, Japan, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

16. The draft resolution was adopted by 34 votes to 2, with 17 abstentions.

Draft resolution on assistance to Equatorial Guinea in the field of human rights (E/CN.4/2002/L.20 and L.88)

17. Mr. AYEWOH (Nigeria), introducing the draft resolution on behalf of the African Group, said that the Commission had had the situation of human rights in Equatorial Guinea before it for more than 23 years. The Government of that country had always cooperated fully with United Nations human rights mechanisms and cooperation and assistance programmes. The African Group believed that the Commission should recognize the progress made and the commitment of the Government to continue to improve the human rights situation there.

18. Although some delegations had revealed some misgivings during the informal consultations with regard to paragraph 5, which would end the mandate of the Special Representative of the Commission on the situation of human rights in Equatorial Guinea, he hoped that the resolution would be adopted by consensus.

19. Mr. PEREZ-VILLANUEVA y TOVAR (Spain), speaking on behalf of the European Union, introduced the proposed amendment (E/CN.4/2002/L.88) to the draft resolution. The current paragraph 5 of the draft resolution would be deleted and replaced by a new text whereby the mandate of the Special Representative would be replaced by a mandate for an independent expert, who would maintain dialogue with the Government of Equatorial Guinea and report to the Commission at its fifty-ninth session. The proposed amendment would, in fact, be in keeping with the request by that Government for assistance under Commission agenda item 19.

20. Mr. MAYE NSUE (Observer for Equatorial Guinea) said that his Government firmly supported the draft resolution. His country had been considered under agenda item 9 for 23 consecutive years, a situation that was unprecedented in the Commission's history. It had always welcomed the visits of the various independent experts, special rapporteurs and special representatives.

21. His Government was committed to strengthening human rights and to continuing its cooperation with the Commission and other international agencies. He urged the Commission to consider his Government's long-standing request for the development of a real programme of technical assistance to strengthen its national capacity in the field of human rights. The mandate of the special representative was no longer required, given the country's stage of development.

22. During the previous year, there had been no arbitrary or unlawful deprivation of life by the authorities, no politically motivated disappearances, no detention of opposition political activists, no political kidnappings, no arbitrary detentions and no ethnic violence or discrimination against ethnic groups.

23. Since his Government had first requested the involvement of the Commission in 1979, considerable progress had been made in the field of human rights and democracy. The political system had been transformed from a single-party to a multiparty system marked by regular elections in the presence of international observers. The most important human rights instruments had been ratified. Several national bodies had been created, including the National Human Rights Commission, the Centre for the Promotion of Democracy and Human Rights and the Commission against Corruption. A cooperative relationship had been established with the ICRC as a result of which prison conditions had improved.

24. A number of legal and judicial reforms had been adopted, including mechanisms to prevent illegal arrest and arbitrary detention. Significant steps had been taken to facilitate free movement both within and outside the country. It was no longer a crime for a woman not to repay her dowry on separation or divorce. The Government had made a commitment to provide financial support and to maintain permanent dialogue with the opposition parties. Bilateral and multilateral programmes had been set up in the field of education, medicine and social welfare.

25. A recorded vote was taken on the amendment to the draft resolution proposed by the European Union.

In favour: Argentina, Armenia, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Guatemala, Italy, Japan, Malaysia, Mexico, Peru, Poland, Portugal, Republic of Korea, Spain, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Against: Algeria, Bahrain, Burundi, Cameroon, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Nigeria, Pakistan, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Togo, Uganda, Viet Nam, Zambia.

Abstentions: Venezuela.

26. The amendment was adopted by 27 votes to 25, with 1 abstention.

27. Mr. AHMAD JAZRI (Malaysia), speaking on a point of order, said that he had tried to change his vote from affirmative to negative but had been unable to do so, as a result of technical problems. His vote had therefore been incorrectly recorded as affirmative.

28. Mr. AKRAM (Pakistan) said that the situation needed clarification, because it had serious implications. If the Malaysian delegation had voted against the amendment, the vote would have been equally divided and the amendment would not have been adopted.

29. Mr. FERNANDEZ PALACIOS (Cuba) said that the mistake had occurred because of a technical problem with the new electronic voting system. The amendment should therefore be rejected.

30. The CHAIRPERSON suggested that a second vote should be taken on the same amendment, but that would be possible only if the Commission so agreed.

31. Mr. PINOARGOTE (Ecuador) said he could not support the Chairperson's suggestion, which would set a dangerous precedent. If a delegation wished to veto a decision in the future, all it would have to do would be to call for a second vote on technical grounds.

32. The Chairperson proposed that his suggestion be put to a recorded vote.

In favour: Algeria, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Cuba, Democratic Republic of the Congo, Guatemala, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Poland, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Venezuela, Viet Nam, Zambia.

Against: Argentina, Armenia, Austria, Belgium, Canada, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Italy, Japan, Mexico, Peru, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstentions: Portugal.

33. The suggestion was adopted by 33 votes to 19, with 1 abstention.

34. Mr. FERNANDEZ PALACIOS (Cuba), speaking on a point of order, said that a decision had already been taken, in fact, to adopt the amendment. While he understood the concerns expressed about technical problems, he was of the opinion that the representative of Malaysia had changed his vote for political reasons. However that might be, further clarification should be provided on the procedure being followed by the Commission.

35. The CHAIRPERSON said that his suggestion had been based on rule 55 of the rules of procedure of the Functional Commissions of the Economic and Social Council (E/5975/Rev.1), according to which a proposal that had been adopted or rejected could not be reconsidered at the same session unless the Commission so decided. Permission to speak on a motion to reconsider would be accorded only to two representatives opposing the motion, after which it would be put to the vote immediately.

36. Mr. SALLOUM (Syrian Arab Republic), speaking on a point of order, said that it was unacceptable to deprive a State from expressing its opinion because of a technical error. He was therefore in favour of taking a second vote.

37. A second recorded vote was taken on the amendment proposed by the European Union.

In favour: Argentina, Armenia, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Guatemala, Italy, Japan, Mexico, Peru, Poland, Portugal, Republic of Korea, Spain, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Against: Algeria, Bahrain, Burundi, Cameroon, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Togo, Uganda, Viet Nam, Zambia.

Abstentions: Venezuela.

38. There were 26 votes in favour, 26 against and 1 abstention.

39. The proposed amendment was not adopted.

40. Ms. WONG (Secretariat) said that under paragraph 5 of the draft resolution (E/CN.4/2002/L.20), the Commission would end the mandate of its Special Representative on the situation of human rights in Equatorial Guinea. If the draft resolution was adopted, an amount of $12,490 would thus become available for other mandates under the category of activities to be considered as of a perennial nature.

41. A recorded vote was taken on the draft resolution.

In favour: Algeria, Bahrain, Brazil, Burundi, Cameroon, China, Costa Rica, Cuba, Democratic Republic of the Congo, Guatemala, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Venezuela, Viet Nam, Zambia.

Against: Mexico.

Abstentions: Argentina, Armenia, Austria, Belgium, Canada, Chile, Croatia, Czech Republic, Ecuador, France, Germany, Italy, Japan, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.

42. The draft resolution was adopted by 32 votes to 1, with 20 abstentions.

Draft resolution on the situation of human rights in Burundi (E/CN.4/2002/L.22/Rev.1)

43. Mr. AYEWOH (Nigeria), introducing the draft resolution on behalf of the Group of African States, said that it was, in essence, very similar to the Commission's resolution of the previous year on the situation of human rights in Burundi (2002/21). The African Group had held consultations with all interested parties when drafting the text.

44. Mr. BARANCIRA (Burundi) said that his delegation would support the draft resolution which, he hoped, would be adopted by consensus.

45. Ms. WONG (Secretariat) said that, under the terms of paragraph 32 of the draft resolution, the Commission would extend the mandate of the Special Rapporteur on the situation of human rights in Burundi by one year and request her to submit an interim report on the human rights situation in that country to the General Assembly at its fifty-seventh session and a report to the Commission at its fifty-ninth session, giving her work a gender-specific dimension. The total cost of those activities was estimated at $53,100 for the biennium 2002-2003.

46. Since the mandate of the Special Rapporteur fell under the category of activities considered to be of a perennial nature and provisions had already been made in the programme budget for activities of that nature, no additional funding would be required if the draft resolution was adopted.

47. The draft resolution was adopted.

Draft resolution on the situation of human rights in Zimbabwe (E/CN.4/2002/L.23)

48. Mr. PEREZ-VILLANUEVA y TOVAR (Spain), introducing the draft resolution on behalf of the European Union and other sponsors, said that it was being introduced for the first time. The Commission expressed concern at the adverse impact of actions by the Government of Zimbabwe on the security of its citizens, at the continuing violations of human rights and attacks on fundamental freedoms, often committed with impunity by agencies and supporters of the Government, at the violations of the freedoms of expression, opinion, association and assembly, and at acts of intimidation against representatives of the Churches. It highlighted the importance of fair, just and sustainable land reform and recognized the threat of HIV/AIDS to economic and social development.

49. The Commission urged the Government of Zimbabwe to comply fully with its international human rights obligations, to restore the rule of law and fundamental freedoms, to put an end to impunity and to create conditions that would allow for the proper exercise of democratic rights, including an all-inclusive political process that reflected the aspirations of all people and free and fair elections. It requested the various special mechanisms to carry out missions to examine alleged human rights violations.

50. Mr. AYEWOH (Nigeria), speaking on behalf of the African Group, said that the Commission should not be used as a forum to discuss politically motivated issues, such as those contained in the draft resolution. It took no account of the country's history and addressed the symptoms rather than the cause. There could be no productive debate on human rights issues in Zimbabwe until the issue of land redistribution and ownership had first been resolved.

51. The African States had made their positions clear on the issue, either individually or collectively through organizations such as the Organization of African Unity (OAU). The President of Nigeria had launched an initiative to reconcile differences between Zimbabwe and the United Kingdom and to facilitate the implementation of Zimbabwe's cooperating partners. UNDP had begun consultations with the Government of Zimbabwe to address the land issue. A dialogue had also been launched between Zimbabwe and the European Union to address the root causes of the difficult situation. It was hoped that both parties would remain committed to reaching a positive outcome.

52. The resolution was thus inappropriate and would be counterproductive. It jeopardized several African initiatives and avoided addressing the root causes of the situation while exaggerating the symptoms. The African Group formally proposed, therefore, that no action should be taken on the draft resolution.

53. Mr. SHA Zukang (China) said that his delegation opposed the draft resolution and supported the proposal of no action submitted by the representative of Nigeria. Since gaining independence, the Government of Zimbabwe had endeavoured to improve its human rights record. The difficulties encountered had, to a large extent, been created by the former colonial power, and were unrelated to human rights. The African countries were better qualified than the Commission to decide on African affairs. The contents of the draft resolution were not factual and the accusations against Zimbabwe were unfair.

54. Mr. FERNANDEZ PALACIOS (Cuba), speaking in explanation of vote before the voting, said that the draft resolution was one of the most political and selective resolutions presented to the Commission. The elections in Zimbabwe had been free and fair because the people had thrown off the imperialist yoke imposed upon them by the ex-colonial Powers. His delegation supported the statement by the African Group and would oppose the resolution.

55. Ms. GERVAIS-VIDRICAIRE (Canada) said that her delegation had consistently opposed no action motions because it believed that the Commission had a responsibility to face up to human rights concerns wherever they arose. The draft resolution identified a number of human rights concerns which needed to be addressed and which her delegation had raised in its statement under the general debate on agenda item 9. Consequently, her delegation would oppose the no action motion and, if the draft resolution was put to the vote, it would vote in favour. The observers for New Zealand and Australia aligned themselves with her statement.

56. Mr. SALLOUM (Syrian Arab Republic) said that the draft resolution was clear evidence of the selectivity and double standards applied in the Commission. Some delegations had difficulty in accepting that Zimbabwe was a free country which could determine its own course of political action. The draft resolution was an attempt to intervene in the internal affairs of a State. His delegation thus strongly supported the proposal to take no action submitted by the African Group and seconded by the representatives of China and Cuba.

57. Ms. DIALLO (Senegal) said that her country attached great importance to human rights and firmly believed that the African continent could develop only by respecting fundamental freedoms and the rule of law. Her Government was not indifferent to the fact that the electoral processes in Zimbabwe had not been transparent, free and fair but it would, nevertheless, be voting in favour of the motion to take no action proposed by Nigeria, a fact which should not be interpreted as a denial of human rights.

58. Ms. GICHERU (Kenya) said that her delegation had carefully studied the draft resolution and found that it did not attempt to address the issue of land distribution, but confined itself to discriminatory and selective condemnation of the Government of Zimbabwe. Instead of taking advantage of the weak economic situation of Zimbabwe, the sponsors should work with the people and Government of Zimbabwe to seek a more equitable distribution of land and to provide much needed assistance. She therefore urged the members of the Commission to support the no action motion proposed by the African Group and to seek a less confrontational approach to the situation in Zimbabwe.

59. Ms. AL-HAJJAJI (Libyan Arab Jamahiriya) said that the draft resolution was another example of an African country being targeted in the Commission for its human rights situation. The regime in Zimbabwe might not be an ideal one but it was the people who were the masters of their regime and a regime could not be imposed upon them. Her delegation would therefore vote in favour of the proposal that no action be taken.

60. Mr. PEREZ-VILLANUEVA y TOVAR (Spain), speaking on behalf of the European Union members and associated States that were members of the Commission on Human Rights, in an explanation of vote that had been agreed upon by the European Union and its associated countries as a whole, said that the Union regretted the introduction of the proposal

to take no action by Nigeria on behalf of the African Group and would be voting against the proposal. No country, large or small, should be exempt from consideration in human rights forums. The no action motion undermined the principles of universality and interdependence of human rights as set out in the Vienna Declaration. The motion was also contrary to the principles of transparency and non-selectivity which were essential for the work of the Commission.

61. The human rights situation in Zimbabwe required consideration by the Commission and, in fact, his delegation had learned from recent reports that the situation had deteriorated still further. The Union therefore urged the members of the Commission to vote against the no action motion as a matter of principle, irrespective of their views on human rights in Zimbabwe.

62. Mr. DEMBRI (Algeria) said that his delegation would vote for the no action motion as it considered that, in critical human rights situations, there should be no monopoly by any particular region. The draft resolution had not been negotiated with the members of the Commission but simply distributed, which was not in accordance with normal procedures. It was also contradictory because it declared a general satisfaction with the process of reconciliation in Zimbabwe and at the same time proposed sanctions in response to the non-respect of human rights. For many Africans, President Mugabe was the father of independence and African unity and should be shown greater respect. Criticism of Zimbabwe could lead to destabilization of the whole southern African region, in which many decolonization and independence factors had still not been properly settled.

63. Ms. ACOSTA (Mexico) said that her delegation would oppose the no action motion since it recognized the competence of the Commission to give its views on the issues submitted to it. In the case of the draft resolution in question, it was in favour of the Commission investigating complaints concerning human rights violations through its special mechanisms.

64. Mr. MINDUA KESIA-MBE (Democratic Republic of Congo) said that his delegation would support the proposal to take no action tabled by Nigeria on behalf of the African Group.

65. A recorded vote was taken on the proposal that no action should be taken on the draft resolution on the situation of human rights in Zimbabwe.

In favour:	Algeria, Bahrain, Burundi, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Viet Nam, Zambia.
Against:	Argentina, Armenia, Austria, Belgium, Canada, Chile, Cost Rica, Croatia, Czech Republic, Ecuador, France, Germany, Guatemala, Italy, Japan, Mexico, Peru, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.
Abstaining:	Brazil, Cameroon, Venezuela.

66. The proposal that no action should be taken on the draft resolution was adopted by 26 votes to 24 with 3 abstentions.

Draft resolution on the situation of human rights in parts of south-eastern Europe (E/CN.4/2002/L.24)

67. Mr. PEREZ-VILLANUEVA y TOVAR (Spain), introducing the draft resolution on behalf of the European Union members and associated States that were members of the Commission on Human Rights, said that it reflected fruitful cooperation between the sponsors and the States concerned and consultations with the Special Representative of the Commission on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia. It expressed satisfaction at the progress made in the areas covered by the Special Representative and to the promising efforts made by the States concerned. Some of the achievements included the admission of Bosnia and Herzegovina to the Council of Europe, the adoption of a national law on ethnic and national monitories by the Government of the Federal Republic of Yugoslavia and efforts to transfer all ethnic Albanian prisoners from Kosovo to the United Nations Interim Administration Mission in Kosovo (UNMIK). His delegation hoped that that progress would continue and that the Commission would adopt the draft resolution.

68. Mr. LEBAKINE (Secretary) said that the representative of Canada and the observers for Andorra, Australia, Bosnia and Herzegovina, Cyprus, Liechtenstein, Malta and The former Yugoslav Republic of Macedonia had become sponsors of the draft resolution.

69. Mr. SCEPANOVIĆ (Observer for the Federal Republic of Yugoslavia), said that he had greatly appreciated the transparency and spirit of cooperation in which the delegation of Spain had organized the drafting of the resolution. The text reflected some of his own delegation's major concerns and also the significant progress made in the human rights situation in the Federal Republic of Yugoslavia. His delegation would, however, have liked to see some recognition of the important steps undertaken by the Federal Republic of Yugoslavia to adopt the federal law on cooperation with the International Criminal Tribunal for the Former Yugoslavia and acknowledgement of the draft laws on broadcasting and telecommunications which would regulate the work of the medias in a transparent and democratic manner. Should the progress achieved in the promotion of human rights in his country continue, there would be no need for a further extension of the mandate of the Special Representative on the situation of human rights in the Federal Republic of Yugoslavia and Bosnia and Herzegovina.

70. Mr. VUKASINOVIĆ (Observer for Bosnia and Herzegovina) said that the progress described in paragraph 13 of the draft resolution covered the most important human rights issues in Bosnia and Herzegovina. The new Government of his country attached great importance to improving human rights and had achieved some significant success, particularly with regard to the return of refugees and internally displaced persons, as confirmed by the Commission's Special Representative on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia. Consequently, his delegation was sponsoring the draft resolution, hoped that it would be adopted by consensus and believed that it would be the last resolution required on the human rights situation in his country.

71. Ms. WONG (Secretariat) said that, under paragraph 19 of the resolution, the Commission would decide to extend the mandate of the Special Representative by one year and, under paragraph 20, he would report to the Commission at its fifty-ninth session. If the draft resolution was adopted, the total cost of the activities would be US$ 46,100. Provisions had already been included under Section 22 of the programme budget for the biennium 2002-2003 and, consequently, no additional resources would be required if the draft resolution were adopted.

72. The draft resolution was adopted.

Draft resolution on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/2002/L.25/Rev.1)

73. Mr. PEREZ-VILLANUEVA y TOVAR (Spain), introducing the draft resolution on behalf of the European Union and its other sponsors, said that the text reflected the outcome of constructive negotiations with the delegation of the Democratic Republic of the Congo. The draft resolution also reflected the progress that had been made in human rights in the Democratic Republic of the Congo, including a declared end to the recruitment of child soldiers, the decision to end the trial of civilians by military courts, the ratification of the Optional Protocol to the Convention on the Rights of the Child, on involvement of children in armed conflicts and the Inter-Congolese Dialogue in Sun City. There were still, however, some serious concerns regarding the situation, particularly in the east of the country.

74. Mr. MINDUA KESIA-MBE (Democratic Republic of the Congo) said that certain delegations, principally from the countries of the North, were keen to initiate resolutions against countries of the South, particularly African countries, and that was counterproductive and morally unacceptable. His delegation thus had no reason to subscribe to the draft resolution introduced by the representative of Spain on behalf of the European Union (especially since the human rights situation in its country had improved markedly in recent months). His delegation had, nevertheless, decided to participate in the work on the draft resolution to reaffirm the political will of his Government to continue to cooperate with the Commission and also to confirm to the world that the reforms undertaken since the National Conference on Human Rights in June 2001 were being followed up.

75. It regretted, however, that the international community still showed little concern for the human tragedy provoked by the war which had been raging in his country since 1998 and which had caused 3,500,000 deaths. He therefore called upon the Commission to urge the Secretary-General to study the feasibility of setting up an international criminal tribunal for the Congo. His delegation would not oppose the draft resolution which would, he hoped, be adopted by consensus.

76. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of the Czech Republic and Peru and the observers for Albania, Andorra, Australia, Cyprus and Turkey had become sponsors of the draft resolution.

77. Ms. WONG (Secretariat), said that the total cost of implementing paragraph 6 (a) and (b) would amount to US$ 108,900 in the biennium 2002-2003. The activities of the Special Rapporteurs were considered to be of a perennial nature, for which provision already existed in the programme budget. No additional resources would, therefore, be required.

78. The draft resolution was adopted.

Draft resolution on the situation of human rights in Iraq (E/CN.4/2002/L.26)

79. Mr. PEREZ-VILLANUEVA y TOVAR (Spain), introducing the draft resolution on behalf of the European Union and its other sponsors, said that the text reflected continued concern regarding the human rights situation in Iraq, including the suppression of fundamental freedoms, the widespread use of the death penalty, summary and arbitrary executions and widespread systematic torture. The dire humanitarian situation of the Iraqi people was also of deep concern. The Union called on the Government of Iraq to abide by its freely undertaken obligations under international human rights treaties and international humanitarian law.

80. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Peru, Poland and Japan and the observers for Albania, Andorra, Cyprus, Israel and San Marino had become sponsors of the draft resolution.

81. Mr. AL-NIMA (Observer for Iraq) said that the European Union had once again submitted a draft resolution that was not objective and had political aims, using the language of confrontation rather than dialogue. The sponsors clearly had no knowledge of the effects of the economic sanctions and aggression directed at his country over the past 11 years, otherwise the draft would have contained an explicit reference to the sufferings of his people. The only change from the previous year's resolution was the reference to the Special Rapporteur's visit to Iraq which ignored, however, the positive aspects of his dialogue with the Iraqi authorities and his acknowledgement of the serious humanitarian situation in the country.

82. The draft resolution should have included a reference to the 1.6 million people, mostly women and children, who had died in what some international organizations had called an example of genocide. The sponsors had turned a blind eye to the action by the United Kingdom, supported by the United States of America, to suspend humanitarian medical contracts amounting to US$ 5 billion, thus holding up the delivery of children's vaccines and other medicines.

83. References to the treaty bodies were selective, mentioning their concluding remarks but omitting their acknowledgement that sanctions had had an adverse impact on the implementation of the international treaties. As for paragraph 4 (i), of the draft resolution, it was simply wrong: the Special Rapporteur had noted that religious freedom was available to all in Iraq. Similarly, the Constitution and all national legislation allowed Kurds full enjoyment of their legitimate rights, as Iraq's recent report to the Committee on the Elimination of Racial Discrimination had shown.

84. The proposal in paragraph 5 (b) that human rights monitors should be deployed was unacceptable, since it prejudiced his country's sovereignty. As for the missing persons from Kuwait, his Government would prefer to settle the issue away from politicization and interference by the United Kingdom and the United States.

85. The promotion of human rights required an atmosphere of peace and security, which was best achieved through cooperation and dialogue. Targeting developing countries with such draft resolutions was a violation of their human rights. Following the visit by the Special Rapporteur, his Government had hoped that the Commission would adopt a more balanced resolution that took account of all the sufferings of his people, including the damage to their health from the use of enriched uranium. As it was, the draft resolution was designed merely to justify past aggression and prepare the ground for future aggression.

86. Mr. RAZZOOQI (Observer for Kuwait) said that Iraq was at fault under both international law and international humanitarian law. The latter effectively consisted of the four Geneva Conventions, which stipulated that, after the cessation of hostilities, prisoners of war should be released immediately. After the 1991 invasion of Kuwait, a Tripartite Commission had been established, chaired by the ICRC. All that was required of Iraq in that connection was to release the prisoners of war, identify those not accounted for and release the remains of those who had been killed. Iraq had unfortunately carried out none of those requirements.

87. International law, on the other hand, was covered by a number of Security Council resolutions including resolution 1284 (1999) which, since it was based on Chapter VII of the Charter of the United Nations, was binding in its provisions and mechanisms existed for their implementation. Under the third section of that resolution, a coordinator had been appointed to oversee the return of prisoners of war and the restitution of Kuwaiti property. Iraq had not abided by that resolution.

88. The previous evening, the Security Council had issued a statement expressing concern at the plight of Kuwaiti and third-country nationals still in Iraq and its hope that the issue would be resolved as soon as possible. The Council recognized that the League of Arab States and the Organization of the Islamic Conference (OIC) had played an active role in the matter and hoped that they could persuade Iraq to change its attitude. At the Beirut Summit, the Arab leaders had urged Iraq to cooperate in finding a quick and final solution to the problem of Kuwaiti prisoners of war (not "missing persons", as the observer for Iraq had termed them) and the restitution of Kuwaiti property in accordance with the relevant United Nations resolutions.

89. He was optimistic that Iraq would cooperate with the Secretary-General and would participate in the meeting of the Tripartite Commission in July 2002. Iraqis were brothers and sisters to Kuwaitis, who would like to see the sanctions lifted and their suffering alleviated. All that was necessary was to release the prisoners of war, without prior conditions. The Commission, too, had the duty to take the side of wronged nations and tell wrongdoers that they should admit their faults and change direction.

90. Ms. WONG (Secretariat) said that the total cost of implementing paragraph 5 (a) of the draft resolution would be US$ 34,000 for the biennium 2002-2003. The activities of the Special Rapporteur were considered to be of a perennial nature, for which provision already existed in

the programme budget. No additional resources would, therefore, be required. The modality of funding human rights monitors would be determined once it was possible to ascertain that they could be deployed and in a position to carry out their duties in full.

91. Mr. CHUMAREV (Russian Federation), speaking in explanation of vote before the voting, said that, as in previous years, the draft resolution had been politicized, giving a one-sided view of the situation in Iraq. It failed to reflect the true humanitarian situation in the country. Its adoption would not, moreover, contribute to constructive cooperation between the Government and the Special Rapporteur, the foundations for which had been laid during the Special Rapporteur's visit to Baghdad. His delegation therefore called for a recorded vote on paragraphs 2 and 3 (a), (b), (e) and (f), against which his delegation would vote. On the draft resolution as a whole it would abstain.

92. Mr. SIDDIG (Sudan) said that the reports of international organizations and human rights agencies had shown the tragic results of the economic sanctions imposed on Iraq. There had been some one and a half million victims, not to mention the damage to the country's economy and standard of living. A report by the United Nations Children's Fund (UNICEF) in 1997 had stated that half a million children were victims of the economic embargo, while a report to the Sub-Commission had stated that the effect of the sanctions amounted almost to genocide. It was time to put an end to the suffering of the Iraqi people, a consideration not included in the draft resolution.

93. Mr. DEMBRI (Algeria) said that his delegation was in favour of the proposal for a recorded vote on several paragraphs made by the Russian Federation and would vote against the draft resolution. The text differed little from that of the previous year. The strictures on Iraq were disproportionate; under the pretext of making recommendations, the text seemed to call for intervention in the internal affairs of the country, disregarding the will of its people. It was, after all, for the people to decide whether it wanted to change its rulers or its legislation. Nor was there any mention of the humanitarian situation. At the same time, he urged Iraq to cooperate with Kuwait.

94. Ms. AL-HAJJAJI (Libyan Arab Jamahiriya) said that the 11 years of siege and the unprecedented collective sanctions from which it suffered had brought Iraq almost to the end of its strength. The draft resolution, however, showed virtually no change from previous ones. No mention was made of the violations of humanitarian law that had led to its suffering. The provision contained in paragraph 5 (b) to deploy human rights monitors constituted interference in a country's internal affairs. Such provisions were excessive. All that was required was a resumption of ties between Iraq and Kuwait. Her delegation, which would vote against the draft resolution, appealed to Iraq to cooperate with the Tripartite Commission.

The meeting rose at 1 p.m.